



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON TRANSPORTATION

Voting Members:

Joey Manahan, Chair
Kymberly Marcos Pine, Vice Chair
Ikaika Anderson
Brandon J.C. Elefante
Ron Menor

MINUTES

REGULAR MEETING
THURSDAY, MAY 24, 2018

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Transportation was called to order by Committee Chair Joey Manahan at 1:10 p.m. Voting Members Anderson, Elefante, and Menor were present at the meeting. Voting Member Pine was excused from the meeting.

STAFF PRESENT

Dinna Schwiering, Legislative Aide to Committee Chair Manahan
Doug Chun, Analyst, Office of Council Services
Sharon Brooks, Attorney, Office of Council Services
Kathleen Kelly, Deputy, Department of the Corporation Counsel, assigned to the Committee
Darcie Nago, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the April 19, 2018 meeting of the Committee on Transportation were approved as circulated.

AYES: ELEFANTE, MENOR, MANAHAN – 3.
NOES: None.
EXCUSED: ANDERSON, PINE – 2.

FOR ACTION

1. BILL 8 (2018) – COMMITTEE REPORT 209

RELATING TO BUSES. Setting pollution control requirements for certain City buses.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 8 (2018) (Submitted by Councilmember Manahan) – The CD1 (OCS2018-0508/5/18/2018 2:31 PM) makes the following amendments:

- A. Shortens the distance away from the closest Honolulu High-Capacity Transit Corridor Project rail station or multi-modal transit center required for bus routes to be exempt from the zero emission requirements from nine miles to three.
- B. Amends subsection (b) to make the zero emission bus requirements commence on the date that trains are in full revenue service for all 21 stations along the rail alignment for the Honolulu High-Capacity Transit Corridor Project.
- C. Adds new subsection (c) to exempt paratransit vehicles from the zero emission requirements of this section.
- D. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Wes Frysztacki, Director, Department of Transportation Services

There was no public testimony.

Director Frysztacki thanked Committee Chair Manahan for incorporating the amendments detailed in Communication D-291 into the Bill, stating that the CD1 version would be more achievable than the original Bill. He noted that the Department would need to submit up to \$100 million in upcoming budget requests to the Council in order to purchase the zero emission vehicles by the year 2025.

Committee Chair Manahan recommended amending and reporting the Bill out for Council action.

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Bill 8 (2018) amended to CD1 (OCS2018-0508/5/18/2018 2:31 PM) and reported out for second reading and scheduling of a public hearing.

AYES: ELEFANTE, MENOR, MANAHAN – 3.
NOES: None.
EXCUSED: ANDERSON, PINE – 2.

Related communication:

D-291 Department of Transportation Services, transmitting amendments to the Bill.

2. BILL 32 (2018)

RELATING TO BICYCLE PARKING. Regulating bicycle parking.

Administration/Others

Wes Frysztacki, Director, Department of Transportation Services
Kathleen Kelly, Deputy Corporation Counsel, Department of the Corporation Counsel

There was no public testimony.

Director Frysztacki provided a brief overview of the amendments offered in Communication D-284.

Deputy Corporation Counsel Kelly agreed to provide a response to Committee members' queries on whether the title of the Bill was broad enough to encompass scooters and whether the Bill could be amended to impose fees for the use of City bicycle parking facilities.

Director Frysztacki addressed Committee Member Elefante's query, stating that 1,000 feet was a reasonable distance from existing public and private bike racks where the dock less electric scooters were deployed.

Committee Chair Manahan recommended deferring action to a time to be determined for further consideration.

Committee Member Anderson spoke in support of the Bill and stated that a fee for private companies to utilize City property should be considered.

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Action on Bill 32 (2018) deferred.

AYES: ANDERSON, ELEFANTE, MENOR, MANAHAN – 4.
NOES: None.
EXCUSED: PINE – 1.

Related communication:

D-284 Department of Transportation Services, transmitting amendments to the Bill.

3. BILL 56 (2016)

PRIVATE TRANSPORTATION COMPANIES AND DRIVERS. Establishing additional regulations governing private transportation companies and drivers, including regulations relating to the rates and charges of the companies. Private transportation companies include both taxicab companies and transportation network companies.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 56 (2016) (Submitted by Councilmember Manahan) – The CD1 (OCS2018-0433/5/18/2018 11:42 AM) makes the following amendments:

- A. Deletes Sections 2 through 10 in the bill, and adds new Sections 2 through 12 in the bill (as described below).
- B. In new Section 2, repeals ROH Chapter 12, Article 6 ("Private Transportation Companies, Vehicles, and Drivers") ("PTCs"). A similar provision is included in the new ROH Chapter 12, Article 7.
- C. In new Section 3, amends ROH Chapter 12 by adding a new Article 6, which sets forth provisions governing transportation network companies ("TNCs"), including:
 - (1) Driver and vehicle certification provisions similar to Seattle's TNC vehicle endorsement requirements (vehicle and driver certification requirements for taxis remain the same as current law); and
 - (2) Provisions allowing TNCs to utilize surge-pricing. Similar provisions are added to Article 1 for taxis in new Sections 6 and 7.

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- D. In new Section 4, amends ROH Chapter 12 by adding a new Article 7, which sets forth provisions governing PTCs and carries forward current law as to those provisions that are applicable to both TNCs and taxis. Additionally, new Sections 12-7.10 and 12-7.11 allow the department to conduct inspections and audits of PTC records without the current "not more than annually" restriction.
- E. In new Section 5, amends the title of Article 1 ("Taxicab Companies, Taxicabs, and Drivers") to be consistent with the title of new Article 6 ("Transportation Network Companies, Vehicles, and Drivers").
- F. In new Section 6, amends ROH Section 12-1.1(b) by adding definitions for "Surge pricing" and "Natural disaster".
- G. In new Section 7, amends ROH, Chapter 12, Article 1 by repealing the director authority section from that article (ROH Section 12-1.3) because these provisions are covered by new Section 12-7.2 for PTCs.
- H. In new Section 8, amends ROH Section 12-1.10(a) to allow taxicabs to charge surge pricing.
- I. In new Section 9, amends ROH, Chapter 12, Article 1 by repealing the violation section from that article (ROH Section 12-1.17) because these provisions are covered by new Section 12-7.12 for PTCs.
- J. In new Section 10, amends Section 12-1.20 to add provisions for taxicab certification that reflect current law for PTCs. (ROH Section 12-6.9).
- K. In new Section 11, amends ROH Chapter 12, Article 1, by adding a new Section 12-1.____ for taxicab driver's certification that reflects the current law for certification of PTCs. (ROH Section 12-6.5).

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 56 (2016) (Submitted by Councilmember Manahan) –
The CD1 (OCS2018-0534/5/24/2018 12:37 PM) makes the following amendments:

- A. Deletes SECTIONS 2 through 11 of the bill.
- B. Adds a new SECTION 2 to the bill, which amends ROH Section 12-6.5 to add a new subsection (h) that authorizes the director to issue a private transportation certification number to each private transportation driver and

requires the private transportation company (PTC) to keep records of the certification numbers.

- C. Adds a new SECTION 3 of the bill, which amends ROH Section 12-6.11 by:
 - 1. Requiring that trade dress, logo, or company identification be placed either on the front and rear bumpers of the private transportation vehicle or on the windshield at the lower corners or at a location approved by the chief of police.
 - 2. Requiring that the trade dress, logo, or company identification be not more than 4 inches in height and 6 inches in width, visible from not less than 30 feet away, and composed of permanent adhesive vinyl that is nonglare and nonreflective.
 - 3. Requiring PTCs to direct drivers to place private transportation certification numbers issued by the director on the bumpers of the private transportation vehicle, composed of permanent adhesive vinyl that is nonglare and nonreflective, visible from not less than 30 feet away, and located on the taxicab's sign or dome and be no more than 1.5 inches in height for taxicabs.
- D. Adds a new SECTION 4 to the bill, which amends ROH Chapter 12, Article 6, by adding three new sections addressing:
 - 1. The Director of Customer Services' establishment of the maximum fares that may be charged to the passengers of PTCs;
 - 2. The requirement for taximeters in taxicabs; and
 - 3. The disclosure of the total fare or fare range, and rates and charges.
- E. Adds a new SECTION 5 to the bill, which repeals ROH Section 12-1.8 ("Taximeters").
- F. Adds a new SECTION 6 to the bill, which repeals ROH Section 12-1.10 ("Director to establish rate of fare and baggage charge—Exceptions—Conditions—Receipt required upon request").
- G. Adds a new SECTION 7 to the bill, which repeals ROH Section 12-1.20 ("Taxicab certification numbers").

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- H. Adds a new SECTION 8 to the bill, relating to Ramseyering and codification.
- I. Adds a new SECTION 9 to the bill, relating to the continued effectiveness of existing maximum fares and charges until the establishment of new maximum fares under SECTION 4 of the bill.
- J. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Sheri Kajiwarra, Director, Department of Customer Services (CSD)

Committee Chair Manahan provided a brief overview of the hand-carried CD1 that was based on the discussion of Bill 35 (2018) in the Budget Committee meeting.

Director Kajiwarra spoke in agreement with the amendments in the hand-carried CD1 and commented that City law limits the size of identifiers placed on the front windshield to four inches in height and six inches in width. The Director spoke in support of leveling the playing field on the requirement of displaying certification numbers for both transportation network companies (TNC) and taxi companies. Director Kajiwarra agreed that rates should be addressed as surge pricing and capped fares are different.

The following individuals testified:

- 1. Tyler Green (comments)
- 2. Dale Evans, Charley's Taxi (comments)
- 3. Robert Deluze, Robert's Taxi (oppose)
- 4. Lynda Kernaghan (oppose)
- 5. David Jung, Eco Cab/City Taxi (comments)
- 6. Tabatha Chow, Uber (comments)

Ms. Chow and Director Kajiwarra addressed Committee Member Elefante's queries with the following information:

- An overview of the City's certification process for TNCs in which the company is certified and issued a certification number. TNCs are responsible for registering and certifying its drivers.
- It would be an expensive and burdensome process for the City to certify TNC drivers.

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- Uber drivers are notified of the requirement to obtain a General Excise Tax (GET) license.

Committee Member Elefante stated his concern about ensuring that TNC drivers have a GET license.

Committee Member Menor spoke in support of working with the Administration on the Bill.

Director Kajiware responded to Committee members' queries, stating the following information:

- The Administration does not support a cap on surge pricing and is working toward less regulation of private transportation companies.
- The current system of TNCs retaining its own data works for the Department since access is available when needed.
- City inspectors need to be able to identify company vehicles from 30 feet away.
- There has been confusion with the placement of the decal when drivers work for more than one TNC because Lyft has identified a location with the City that is different from Uber.
- The Administration implements rules based on the policy set by the Council.
- Hanging placards on the rear view mirror while driving would be a violation of law.

Committee Member Elefante stated his support for the hand-carried CD1, relating to the decal certification numbers. Drivers who work for more than one company should post separate sets of decals measuring four inches in height and six inches in width to avoid confusion. The Committee Member stated his desire for TNCs to incorporate a GET license certification into their application process.

Committee Member Elefante stated his concern about surge pricing during an emergency.

Committee Member Menor spoke in support of the Bill and requested feedback from the CSD on additional revisions.

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Committee Member Anderson spoke in support of the Bill, noting that it was a work in progress.

Committee Chair Manahan recommended deferring action on the Bill until the next Committee meeting for further consideration.

Committee Member Elefante spoke in support of the Committee Chair's recommendation.

Action on Bill 56 (2016) deferred.

AYES: ANDERSON, ELEFANTE, MENOR, MANAHAN – 4.

NOES: None.

EXCUSED: PINE – 1.

Related communications:

M-284 Early Testimony for Bill 56 (2016).

M-290 Additional Testimony for Bill 56 (2016).

FOR DISCUSSION

4. HONOLULU AUTHORITY FOR RAPID TRANSPORTATION UPDATES

- RAIL PROJECT'S RECOVERY PLAN
- PRESENTATION OF A PUBLIC PRIVATE PARTNERSHIP COMMERCIAL VIABILITY ANALYSIS RELATING TO THE HONOLULU RAIL TRANSIT PROJECT

Administration/Others

Andrew Robbins, Executive Director and Chief Executive Officer, Honolulu Authority for Rapid Transportation (HART)

Nicole Chapman, HART

Tuyein Mei, Ernst and Young Infrastructure Advisors (EYIA)

Nicole Doheny, EYIA

There was no public testimony.

Executive Director Robbins reported that the HART participated in a risk management workshop with the Federal Transit Administration (FTA) in February.

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The risk exercise that reviews the entire risk management program, including its cost and schedule is performed every two years. The Project Management Oversight Consultant for the FTA is responsible for preparing and submitting a risk report based on its findings to the FTA in June. The report is factored into the FTA's decision on Federal funding.

Executive Director Robbins stated that the public private partnership (P3) analysis focuses on completing the City Center Section of the rail project and constructing the Pearl Highlands transit center. Both aspects of the project have not been procured and are needed to complete the project. The Executive Director emphasized that only the remaining work on the project and its long term operations and maintenance of the system would be subject to P3.

Mr. Mei and Ms. Doheny presented the Committee with the Public Private Partnership Commercial Viability Analysis, as detailed in Communication D-315.

Representatives of EYIA and the HART addressed Committee members' queries with the following information:

- The Design Build Finance Operate Maintain (DBFOM) option would provide the best value for the City.
- There was an effort to develop around the Pearl Highlands transit center; however, construction was too expensive. The current plan is to build the parking garage and some facilities with the rest of the site available for transit-oriented development.
- Pursuing DBFOM would not affect the existing contract with Ansaldo.
- Ansaldo views the longer term involvement with DBFOM as a key business opportunity.
- The DBFOM timeline would be to issue the Request for Proposals Part 1 in August to allow sufficient time to complete procurement and finish construction before the revenue service date.
- The HART would not be required to obtain FTA approval before proceeding with DBFOM since the project delivery methodology is a local decision.

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Related communication:

D-315 Honolulu Authority for Rapid Transportation, submitting the presentation on the Public Private Partnership Commercial Viability Analysis.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

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DATE APPROVED

June 28, 2018